

In the Matter of )  
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The Commission's Cable Horizontal and ) MM Docket No. 92-264  
Vertical Ownership Limits )  
 )

**REQUEST FOR EXTENSION OF TIME TO FILE COMMENTS OF  
MEDIA ACCESS PROJECT, CONSUMERS UNION, CONSUMER FEDERATION  
OF AMERICA, OFFICE OF COMMUNICATION OF THE UNITED CHURCH OF  
CHRIST, INC., FREE PRESS, US PIRG, CCTV CENTER FOR MEDIA AND  
DEMOCRACY, THE VERMONT ACCESS NETWORK, ACTION COALITION  
FOR MEDIA EDUCATION, CENTER FOR CREATIVE VOICES IN MEDIA, THE  
BENTON FOUNDATION, THE ASSOCIATION FOR COMMUNITY  
NETWORKING, MEDIA ALLIANCE, AND THE UNITED STATES  
CONFERENCE OF CATHOLIC BISHOPS**

<sup>2</sup>*Second Further Notice of Proposed Rulemaking*, FCC 05-96, released on May 17, 2005 (“*Second Notice*”).

requests that the Commission extend the reply comment deadline to September 9, 2005, a 48-day extension.

MAP *et al.* readily acknowledges that this proceeding has lingered too long at the Commission.<sup>3</sup> Despite a rushed and compressed commenting schedule for the *2001 Further Notice*,<sup>4</sup> which included the Christmas and New Years holidays, the Commission took no action for three years.<sup>5</sup> MAP, *et al.* and other public interest organizations submitted hundreds of pages into the record over the course of the three inactive years and urged the Commission to take action, but the Commission remained inactive. Additionally, MAP, *et al.* made it abundantly clear that the cable ownership issues in this proceeding must be resolved before a decision can be made in the Comcast/Time Warner acquisition of Adelphia.

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<sup>3</sup>In the *Second Order*, the Commission acknowledged that “the record compiled in response to the *2001 Further Notice* is now four years old.” *Second Further Notice of Proposed Rulemaking*, FCC 05-96, p.20, released on May 17, 2005 (“*Second Notice*”). Additionally, Commissioners Copps and Adelstein, in their joint statement, acknowledged that the record has grown stale, the issues are still unresolved after four years of review and that the mandate dates back to the Cable Television Consumer Protection and Competition Act of 1992. *Second Further Notice of Proposed Rulemaking: Joint Statements of Commissioners Michael J. Copps and Jonathan S. Adelstein*, FCC 05-96, p.90, released on May 17, 2005 (“*Second Notice*”).

<sup>4</sup>*Further Notice of Proposed Rulemaking*, FCC 01-263, released September 21, 2001 (“*Further Notice*”).

<sup>5</sup>*Pleading Cycle Established*, DA 01-2374 (October 12, 2001); *Order*, DA 01-2390 (October 15, 2001); *Order*, DA 02-220 (January 29, 2002); *Pleading Cycle Established*, DA 02-1304 (June 3, 2002).

Nevertheless, MAP, *et al.* request a short extension to compile a complete record and provide an opportunity for the public to respond. As the Commission acknowledges, the *Second Order* asks complex and detailed questions,<sup>6</sup> which require extensive research and analysis to answer.<sup>7</sup> In undertaking this effort, numerous public interest organizations, as well as MAP, *et al.*, have significant limits on their resources, which prevent them from responding to such a complex set of questions in such a short period of time. The parties interested in participating in this proceeding have numerous other proceedings, as well as long-planned vacations, occupying their summer schedules, making the fast-approaching summer deadline impossible.

This short extension of time will allow members of the public to participate fully in this docket.<sup>8</sup> Members of the public deserve time to be made aware of this issue,

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<sup>6</sup>*Second Further Notice of Proposed Rulemaking*, FCC 05-96, released on May 17, 2005 (“*Second Notice*”).

<sup>7</sup>The Commission acknowledged the complexity of these issues and the need for a thorough review. The Commission has an interest in “developing a complete evidentiary record and resolving the complicated issues posed by adoption of general ownership standards and grant of specific ownership approvals.” *Pleading Cycle Established*, DA 02-1304 (June 3, 2002).

<sup>8</sup>The Commission previously extended the pleading deadlines in this proceeding “in the interest of developing a full and complete record and in the interest of not prejudicing any party.” *Order*, DA 02-220 (January 29, 2002). The Commission will grant an extension to time to file comments “in order to allow parties a reasonable opportunity in which to comment.” *Order*, DA 01-2390 (October 15, 2001). Additionally, in the *Second Notice*, the Commission noted that “one goal of the *2001 Further Notice* was to solicit public comment and develop an evidentiary basis for setting horizontal and vertical limits.” *Second Further Notice of Proposed Rulemaking*, FCC 05-96, p.12, released on May 17, 2005 (“*Second Notice*”).

obtain information about this proceeding, and file meaningful comments.<sup>9</sup> The Commission must take to heart the lesson learnt from the broadcast ownership proceeding - a brief delay in the proceeding in order to ensure full public debate is far better than artificially rushing the proceeding.

The Commission should not make up for its own delays and inefficiency by denying the public a genuine opportunity to respond to the *Second Notice*. A short delay of one month will not prejudice this proceeding, and will encourage detailed and developed responses that will serve the Commission's interest in informed decision-making.

WHEREFORE, MAP, *et al.* request that the Commission extend the deadline to file comments in the above-captioned docket to August 8, 2005, and extend the reply comments deadline to September 9, 2005.

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<sup>9</sup>As stated by Commissioner Copps in his separate statement to the *Further Notice*:

“detailed input is important to the Commission's collection of the data necessary to make informed decisions about these rules. The more information we have from stakeholders, the better we will be able to base our decisions not on our impressions of these industries and how they operate, but on the data compiled through proceedings such as this.”

*Further Notice of Proposed Rulemaking: Separate Statement of Commissioner Michael J. Copps on Cable Ownership NPRM*, FCC 01-263, p.60, released September 21, 2001.

Respectfully submitted,

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